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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 CHRISTOPHER KING, et al.,

11 Plaintiffs,

12 CASE NO. C17-0031-RSM

13 v.

14 JUDGE STANLEY J. RUMBAUGH,

15 Defendant.

16 REPORT AND RECOMMENDATION

17 Plaintiff Wally Brown filed a motion to proceed *in forma pauperis* (IFP) on appeal. (Dkt.

18 38.) However, plaintiff failed to submit the proper IFP form. *See* Fed. R. App. P. 24(a)(1)(A)

19 (party must submit affidavit showing “in the detail prescribed by Form 4 of the Appendix of Forms

20 [to the Federal Rules of Appellate Procedure (FRAP)] the party’s inability to pay or to give security

21 for fees and costs[.]”) He also appeared to indicate on the form submitted that, while he has only

22 \$250.00 in cash on hand or in checking or savings accounts, his monthly income (\$1,835 in wages

23 and contribution from his wife, as well as additional income from other sources) exceeds his

24 monthly expenses (\$964) by an amount sufficient to allow his payment of the filing fee. (Dkt. 38.)

25 By Order dated July 11, 2017, the Court directed plaintiff to submit a completed application

26 REPORT AND RECOMMENDATION

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1 to proceed IFP on appeal, and directed the Clerk to send plaintiff a copy of Form 4 of the Appendix
2 of Forms to the FRAP. (Dkt. 42.) The Order stated the Court was unable to consider plaintiff's
3 request to proceed IFP on appeal unless he provided, on the proper form, complete and detailed
4 information as to his financial status and an explanation as to his asserted inability to pay the filing
5 fee. The Court further advised that failure to complete and return the proper form within twenty
6 days could result in denial of the application.

7 To date, the Court has not received a response to its Order or a proper IFP application from
8 plaintiff. Accordingly, the Court recommends the motion to proceed IFP on appeal (Dkt. 38) be
9 DENIED. The Court further recommends that, pursuant to FRAP 24(a)(4)(A), the Clerk be
10 directed to notify the parties and the Ninth Circuit Court of Appeals of the denial of the motion to
11 proceed IFP on appeal.

12 DEADLINE FOR OBJECTIONS

13 Objections to this Report and Recommendation, if any, should be filed with the Clerk and
14 served upon all parties to this suit within **fourteen (14) days** of the date on which this Report and
15 Recommendation is signed. Failure to file objections within the specified time may affect your
16 right to appeal. Objections should be noted for consideration on the District Judge's motions
17 calendar for the third Friday after they are filed. Responses to objections may be filed within
18 **fourteen (14) days** after service of objections. If no timely objections are filed, the matter will be
19 ready for consideration by the District Judge on September 8, 2017.

20 DATED this 21st day of August, 2017.

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23 Mary Alice Theiler
United States Magistrate Judge